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EXAMINER

SING, SIMON P

ART UNIT PAPER NUMBER

2645

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14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/314,966

Applicant(s)

ALI ET AL.

Examiner

Simon Sing

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 18-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1-7, 9 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Nabkel US 5,963,626.

1.1 Regarding claim 1, Nabkel discloses a voice messaging system (telephone answering device), which is located in a central office (public switch network end office switch) (column 4, lines 55-60). Nabkel teaches:

a telephone line interface for accepting telephone calls from callers (column 2, lines 28-32);

a controller for comparing user IDs and PINs (column 2, lines 30-37; column 4, lines 27-33);

a secured message authorization module (software) adapted to allow a party (subscriber) calling said voice messaging system to leave a private voice message for Julieann, or a group voice message for a baseball team (column 3, lines 16-26), Nabkel teaches separately securing said voice message in a single mailbox with a personal PIN associated with only one (Julieann, for example) of a plurality of users (Julieann and baseball team members) of said voice messaging system (column 2, lines 58-65; column 3, lines 53-58); and

said private voice message secured with said personal PIN is accessible only by said one (Julieann) of a plurality of users (anyone, who accessing the voice messaging system is a user of the system, such as Julieann or any member of the baseball team) with the assigned PIN (column 6, lines 1-23; column 4, lines 37-47).

1.2 Regarding claim 2, Nabkel's system further comprising:

a playback/recording module adapted to record said private voice message (column 3, lines 16-26) or playback said private voice message to a calling party (Julieann, a user) (column 4, lines 41-47).

1.3 Regarding claim 3, Nabkel's system according claim 1, further comprising:

an authorized security code table including information relating to an ability of a party (subscriber) calling said voice messaging system to separately secure said private voice message (column 2, lines 28-32, 58-65; column 3, lines 53-58).

1.4 Regarding claim 4, Nabkel's system according to claim 3, wherein:

said authorized security code table further includes at least one security code (personal PIN) allowing at least one calling party (Julieann, a user) for access to said separately secured private voice message (column 2, lines 58-65; column 3, lines 53-58; column 4, lines 37-47).

1.5 Regarding claim 5, Nabkel's system according to claim 3, wherein:

said authorized security code table is adapted to includes call related information (PIN) relating to at least one calling party [subscriber] authorized to secure a voice message (column 2, lines 28-32, 58-65).

1.6 Regarding claim 6, Nabkel's system according claim 1, wherein:

as discussed in claim 1, the personal PIN, entered by a party (subscriber) calling said voice messaging system, is corresponding to Julieann, who one of a plurality of users of said voice messaging system (who access said voice messaging system (column 3, lines 53-58; column 6, lines 1-23; column 4, lines 41-47).

1.7 Regarding claim 7, Nabkel's system according claim 1, wherein:

said secured message authorized module is adapted to allow a party (subscriber) calling the voice messaging system to secure a voice message upon matching call related information (PIN) relating to the party with a pre-stored PIN (column 2, lines 28-32).

1.8 Regarding claim 9, Nabkel's system according claim 1, further comprising:

a call related information detector/receiver adapted to detect and receive call related information (PIN) regarding a party (subscriber) calling said voice messaging system (column 2, lines 28-32; column 6, lines 10-23).

1.9 Regarding claim 10, Nabkel's system according claim 1, wherein:

said controller is adapted to compare call related information received regarding a party (subscriber) calling the voice messaging system, with at least one pre-stored authorized security code to allow said party to separately secure a voice message (column 2, lines 28-32, 58-65; column 3, lines 53-58).

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Chee US 5,528,669.

Chee discloses a telephone answering machine (device) in figure 2, comprising:
a telephone line interface 34;
a CPU (controller) 36;

a secured message authorization module (CPU and software) adapted to allow a party calling said telephone machine to leave a voice message (column 7, lines 9-55; column 8, lines 43-46), together with a user's mail code (authorization code) or mailbox command, corresponding to only one of a plurality of users of said telephone answering machine (column 7, lines 45-67; column 10, lines 51-60), to separately secure same voice message in a single mailbox (track 14 of magnetic tape 10) for access only by said one of said plurality of users (column 10, lines 66-67; column 11, lines 11).

3. Claims 1, 11-15 and 18-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Shur et al. US 5,461,665.

3.1 Regarding claim 1, Shur discloses a voice processing system (telephone answering device) in figure 1, comprising:

- a telephone line interface board 111 (column 3, lines 30-42);
- a processor 101 (controller) (column 2, lines 63-67; column 3, lines 1-4);
- a secured message authorization module (processor 101 and associated software) adapted to allow a party calling said voice processing system to leave a voice message (column 5, lines 33-46, 52-61), together with a mailbox number (user's authorization code) corresponding to only one of a plurality of users of the voice processing system to separately secure said voice message in a single mailbox (the mailbox identified by a calling party) (column 4, lines 13-21; column 5, lines 46-52, 62-

66) for access only by said one (the owner of said mailbox number) of said plurality of users (column 6, lines 10-18).

3.2 Regarding claim 11, Shur discloses a method for securing a voice message in a single mailbox. Shur teaches:

prompting a party calling a voice processing system (telephone answering device) to leave a voice message and to enter a mailbox number (authorized security code) (column 5, lines 33-61) corresponding to only one, of a plurality of users, authorized to playback said voice message (column 6, lines 10-18);

comparing said entered mailbox number to at least one of pre-stored mailbox numbers corresponding to said plurality of users of said voice processing system (column 5, lines 46-52; column 4, lines 13-21); and

upon matching said entered mailbox number, secured said voice message in a single mailbox (identified by the a calling party) accessible only by said one (owner of said entered mailbox number), of said plurality of users, authorized to playback said voice message (column 5, lines 62-66; column 6, lines 10-18).

3.3 Regarding claim 12, Shur teaches recoding said voice message in said single mailbox (column 5, lines 52-61).

3.4 Regarding claim 13, Shur teaches recording said voice message in said single mailbox (column 5, lines 52-61).

3.5 Regarding claim 14, Shur teaches converting said voice message to digital data and forwarding said digital data to said single mailbox (column 5, lines 52-61).

3.6 Regarding claim 15, Shur teaches that a calling party entering the mailbox number (DTMF tones) from a telephone keypad (column 5, lines 46-52; column 3, lines 36-40).

3.7 Regarding claim 18, Shur discloses a voice processing system (telephone answering device) for securing a voice message in a single mailbox, comprising:

means for prompting a party calling a voice processing system (telephone answering device) to leave a voice message and to enter a mailbox number (authorized security code) (column 5, lines 33-61) corresponding to only one, of a plurality of users, authorized to playback said voice message (column 6, lines 10-18);

means for comparing said entered mailbox number to at least one of pre-stored mailbox numbers corresponding to said plurality of users of said voice processing system (column 5, lines 46-52; column 4, lines 13-21); and

means for securing said voice message in a single mailbox (identified by the a calling party) accessible only by said one (owner of said entered mailbox number), of said plurality of users, authorized to playback said voice message (column 5, lines 62-66; column 6, lines 10-18), upon matching said mailbox number.

3.8 Regarding claim 19, Shur teaches recoding said voice message in said single mailbox (column 5, lines 52-61).

3.9 Regarding claim 20, Shur teaches recording said voice message in said single mailbox (column 5, lines 52-61).

3.10 Regarding claim 21, Shur teaches converting said voice message to digital data and forwarding said digital data to said single mailbox (column 5, lines 52-61).

3.11 Regarding claim 22, Shur teaches that a calling party entering the mailbox number (DTMF tones) from a telephone keypad (column 5, lines 46-52; column 3, lines 36-40).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nabkel US 5,963,626 in view of Carleton et al. US 5,966,351.

Nabkel teaches a voice messaging system in that a party (subscriber) leaves a private voice message in a single mailbox, and secures said private voice message with a personal PIN associated with a user (message recipient). Nakel fails to specifically teach that said personal PIN is attached to private voice message's header.

However, Carleton discloses a voicemail system in that a voice message's header comprises sender's telephone number (extension), data and time, status and any special handling code. When a sender accesses a recipient's mailbox, sender's telephone number is compared to the telephone number stored in the header, and the sender is only allowed to access messages with same telephone number (column 4, lines 40-56).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Nabkel's reference with the teaching of Carleton so that said personal PIN would have been attached to the header of said private voice message, because such modification would have clarified the teaching of Nabkel to where said personal PIN was stored with said private voice message.

Response to Arguments

5.1 Applicant's arguments filed on 11/05/2003 with respect to claim 1 have been fully considered but they are not persuasive.

The applicant argues (with currently amended claim) that Nabkel does not teach securing a voice message by providing an authorization code corresponding to only one

of a plurality of users, and the voice message is accessible only by said one of said plurality of users.

However, Nabkel teaches that a subscriber may leave a private voice message for (his daughter) Julieann with a personal PIN associated with Julieann, and said private voice message is only accessible by Julieann, one of a plurality of users using Nabkel's system (see current rejection of claim 1 above). Therefore, Nabkel teaches all limitations of claim 1.

5.2 Applicant's arguments with respect to claims 11 and 18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is (703) 305-3221. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600



S.S.

01/27/2004